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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/747,428

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EXAMINER

AL HASHEMI, SANA A

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,428

Applicant(s)

VAIDYA ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's notes of appeal filed 12/12/05.
2. Claims 1-24 are pending. No claims were added. None were canceled.
3. Applicant's arguments filed 12/12/05 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunnell, and further in view of Velonis et al. (Velonis hereinafter)(US Patent No. 6,772,408), and further in view of Howland et al. (Howland hereinafter) (US Patent No. 6,018,741).

Regarding Claims 1, 6, 11, and 16, Bunnell discloses a method for managing a plurality of nodes in a layered hierarchically organized database stored in a server on a computer network (see Fig. 2, 30, column 6, lines 27-32, Bunnell) comprising:

accessing a subset of said nodes in response to a client request (see column 5, lines 21-27, Bunnell);

Bunnell discloses all the limitations subject matter as stated above. However, Bunnell fails to disclose the step of modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request. On the other hand, Howland discloses the teaching of modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request as disclosed in Col. 5, lines 33-44, Howland. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the Howland teaching in the Bunnell system. Skilled artisan would have been motivated to incorporate this teaching to provide more flexibility to the system where the node's state attribute can be modified to improve the accuracy of each node status and information for updating and merging data; and

Bunnell in view of Howland discloses all the claimed subject matter as set forth in the rejection above, but Bunnell does not explicitly disclose the method managing said nodes using said state attributes, wherein each one of the state attributes comprises an extensible Markup Language (XML) format attribute. However, Velonis discloses the use of an extensible Markup Language (XML) (Col. 6, lines 45-54, Velonis). It would have been obvious to the ordinary skilled artisan at the time of the invention to incorporate the XML taught by Velonis in the combination of Bunnell in view of Howland. The ordinary skilled artisan would have been motivated to make such modification in order to extend and eventually supersede HTML, since it's well known that XML, allows web developers and designers create customized tags that offer greater flexibility in organizing and presenting information than is possible with the older HTML document coding system. XML is defined as a language standard published by the W3C

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and supported by the industry. Since both invention are directed toward mark up languages and would have been expected to successfully work well together.

Regarding Claims 2, 7, 12, and 17, the combination of Bunnell/Velonis discloses a method wherein said state attributes indicate that a corresponding data element is one of updated default, deleted, and added (see Fig. 3, step 55, column 9, lines 18-21, Bunnell).

Regarding Claims 3, 8, 13, and 18, the combination of Bunnell/Velonis discloses a method wherein each one of said state attributes includes a value of one of default, replaced, modified, and deleted, indicating a last action taken on a corresponding data element (see column 7, lines 37-39, and column 9, lines 39-55, Bunnell).

Regarding Claims 4, 9, 14, 19, and 21-24, the combination of Bunnell in view of Velonis and further in view of Howland discloses the method wherein each one of said nodes comprises an XML node (see column 45, lines 38-45, Morgenstern).

Regarding Claims 5, 10, 15, and 20, the combination of Bunnell in view of Velonis and further in view of Howland discloses a method wherein said nodes are organized in a Document Object Model format (see column 10, lines 64-53, Bunnell).

Response to Amendment

Applicant argues the Bunnell reference fails to disclose the limitation modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request”.

Examiner response. As stated in the rejection above the Bunnell did not disclose and for that reason the Howland reference was presented and the rejection is a USC 103 and not 102.

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Applicant cannot show non-obviousness by attacking the references individually where, as here the rejections are based on a combination of references. In re Keller, USPQ 871 (CCPA 1981).

Applicant argues that the prior art fails to disclose the limitation of “modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request”.

Examiner disagrees. First of all Applicant argues the specification which is not in the claims language, and this make this argument invalid argument, since applicant any argues the claimed subject matter and claimed in the claim language and not as defined in the specification. However, the Examiner will address the applicant argument in light of the specification to some extend. Applicant specifies the state attribute in the specification is “The state attribute has information relating to the last operation that was performed on its corresponding data element.” Which could be a way identifying the change in the state attributes and since the claims are given the broadest reasonable interpretation, Examiner relied on the Col. 3, lines 24-28, of Howland, wherein the Howland clearly discloses the use of updating the attribute value which corresponds to the state attribute and presents that specific attribute with the most recent update value corresponds to the definition of the “state attribute” and referring to Col. 3, lines 28-33, Howland discloses the step of merging the updated value of the nodes which corresponds to the claimed “layers” which resulting layered in a hierarchical database Col. 3, lines 34-41.

Applicant argues that the “combination of Bunnell and Velonis fails to teach or suggest managing said nodes using said state attributes, wherein each one of said state attributes comprises an eXtensible Markup Language (XML) format attribute”.

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Examiner disagrees. Nowhere in the specification Applicant disclose the state attributes comprises XML, format attribute. However, the XML and HTML both are mark up languages and replacing HTML with the XML may improve the web developers and designers performance by allowing the to create customized tags that offer greater flexibility in organizing and presenting information than is possible with the older HTML document coding system. XML a language standard published by the W3C and supported by the industry. Applicant is requested to points out where in the specification this limitation is defined.

Applicant argues that the references applied fails to disclose the “each one of said state attributes includes a value of one of default, replace, modified, and deleted, indicating a last action taken on a corresponding data element”.

Examiner disagrees. Refereeing to Col. 3, lines 24-34, Howland discloses the argued limitation.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013.

The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**CHARLES RONES
SUPERVISORY PATENT EXAMINER**

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
January 26, 2006